

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

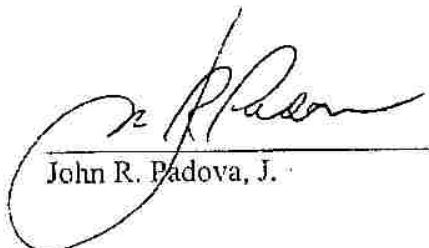
LINDELL SWINSON : CIVIL ACTION
: :
: v. : :
: :
COMMONWEALTH OF PENNSYLVANIA, : :
et al. : NO. 07-3934

ORDER

AND NOW, this 30th day of October, 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. No. 1), and after review of United States Magistrate Judge L. Felipe Restrepo's Report and Recommendation (Doc. No. 30), **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Restrepo is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED**;
3. Because Petitioner has failed to make a substantial showing of the denial of a constitutional right, we decline to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2); and
4. The Clerk shall **CLOSE** this case statistically.

BY THE COURT:


John R. Padova, Jr.